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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,889	10/01/2001	Manabu Deguchi	Q66258	3498

7590 07/06/2007
SUGHRUE MION ZINN MACPEAK & SEAS, PLLC
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Washington, DC 20037-3213

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/965,889

Applicant(s)

DEGUCHI, MANABU

Examiner

Rasha S. AL-Aubaidi

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14-17, 19 and 23-25.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment filed on 02/05/2007 been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 14-17, 19 and 23-25 are still pending in this application, with claim 14 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-17, 19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. (US 6128475) in view of Haas (EP 0602840) in view of Sudo et al. (US 5987336) and further in view of Masaru (US PAT # 5,235,568).

Regarding claim 14, Wicks shows a display (12) and a key operation section (14-15) comprising:

A first key section (15) including to select a desired item (moving a highlighted portion to a desired information item) (col. 3, lines 54-58), and to execute the item (selecting the desired item) (col. 3, lines 59-65); and

A second key section including a ten key pad (14).

Wicks differs from the claimed invention in that the first key section is a joy-stick key instead of a selection key pad and an execution key.

However, Haas teaches providing a joy-stick key (fig. 2) and its equivalent button key having an execution key surrounding by arrow keys (fig. 4). Further, from the present application (figs. 1 and 7), it also shows the two types of keys, and there is no teaching of criticality for one type over another.

Hence, it would have been obvious for one skilled in the art to use Wicks' joy-stick key as it is, or replace the joy-stick key with the button keys as taught by Hass. This simply can be considered as a variation of Wicks because the basic operation of the key is substantially unchanged.

Wicks further differs from the claimed invention in that it does not show the row and columns information items.

However, the concept of highlighting and executing the selected item is well taught by Wicks. Further, this notorious well-known information items are displayed in rows and columns, this is also taught by Sudo. Sudo also shows the highlighting and executing (calling) a selected phone number (col. 10, lines 43-53 in Sudo).

Hence, it would have been obvious for one of ordinary skill in the art to incorporate the information items shown by Sudo in Wicks, this is a well known method for storing information items, such as names and phone numbers, such that it allows the user to store and access information in the device (col. 2, lines 31-47 in Sudo).

The combination of Wicks, Hass and Sudo does not specifically teach which information to be selected and used as the first information item.

However, Masaru teaches a means for selecting which information is to be used as the first information item (see col. 9, lines 22-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selecting which set of information (such as first, second, third) to be displayed and used as the first set of information, as taught by Masaru, into the combination of Wicks, Hass and Sudo in order to present the desired information first and based on priority. Choosing which set of information to be displayed first is obviously based on the user preference and the information priority.

Regarding claim 15-19, 23-25, the combination of Wicks, Haas and Sudo shows:
A housing and the keys (fig. 1 in Wicks);
Movement operation keys and their contacts (402-405 in Haas) for selecting an item;
The enter key and its contact (406 in Haas) for executing the selected item;
The single lever-type key (15 in Wicks) for selecting and executing the selecting item;
The row and columns of items and the keys (see comments in claim 14);
The calling function (the highlighting and executing/calling a selected phone number, col. 10, lines 43-53 in Sudo).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

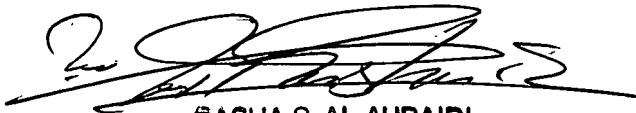
Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI
PATENT EXAMINER

Art Unit 2614
04/30/2007